

A photograph of a person wearing a white lab coat and blue gloves, holding a cannabis plant. The plant has green serrated leaves and yellowing buds. The background is a blurred green field of similar plants.

2020

HHS Region 10, Cannabis Policies and Regulations: A Multi-State Comparison Across Three Northwestern States

| Prepared by SAMHSA'S Northwest Prevention Technology Transfer Center



Northwest (HHS Region 10)

PTTC

Prevention Technology Transfer Center Network
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Preface

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This resource is not meant to be exhaustive, but instead serve as a starting place for prevention practitioners and community coalition members interested in cannabis policy and regulation. As cannabis policies and regulation change, The Northwest PTTC will periodically review and update this resource. Additional Northwest PTTC resources on this topic are listed at the end of this document.

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The table below is a brief snapshot of the policies in Alaska, Oregon, and Washington categorized under the 5 Ps for Prevention: 1) Public Safety, 2) Placement and Access, 3) Product and Potency, 4) Promotion and Advertising and 5) Pricing.

This document provides a comparison of policies in these 3 states with references to the statutes and rules for each. It is recommended that prevention practitioners use this table in conjunction with two additional Northwest PTTC resources in this series:

1. HHS Region 10, State Cannabis Policies and Regulations: A Guidance document for Northwest Substance Misuse Prevention Practitioners.
2. Individual Cannabis Policy Summaries for HHS Region 10 States: Alaska, Idaho, and Oregon and Washington.

Using these combined resources will assist prevention practitioners in:

- a. Understanding the policies listed below and their connection to public health and prevention;
- b. Seeing how individual state policies and regulation compares with the other states in the HHS Region 10; and
- c. Having the research basis for educating on good public policy.

Cannabis rules and regulations can change quickly. The table below includes citations for the specific statutes (laws) and rules for the stated policies so you may refer to them to ensure you have the most up-to-date and detailed information.

Links to the statutes and rules for each state are listed on the next page. Once you go to the link, you can easily find the specific law or rule by number.

Keep in mind that the statutes are laws either passed by the legislature or by citizens via an initiative. The rules are developed by the regulatory agencies to implement the laws as passed. Regulatory agencies may not change the laws as they develop the rules.

State Rules and Regulations

Alaska

Statutes
AS 17.38
AS 19.25 (Billboards)
AS 43.61 (Tax)

Rules
3 AAC 306
15 AAC 61 (Tax)

Oregon


Statutes
ORS 475B
ORS 813 (Driving)



Rules
OAR 845-025
OAR 333-007



Washington


Statutes
RCW 69.50
RCW 46.61 (Driving)



Rules
WAC 314.55


	Alaska	Oregon	Washington	
 Public Safety	Local Authority / Local Options	Local jurisdictions may opt out of statewide system or remain in system with options for additional regulations. [AS 17.38.210 and 17.38.300]	Local jurisdictions may opt out of statewide system or remain in system with some options for additional regulations governing time, place, and manner. [ORS 475B.968 and 475B.486]	Not specified but option to ban licenses upheld by court. Some options for local control. [RCW 69.50.331(3); 69.50.369(11); 69.50.580; and 69.50.608]
	Tracking System Requirements (Traceability)	All cannabis cultivated and products processed and sold to be tracked from seed or cutting to completed sale or disposal. [3 AAC 306.730. Specific requirements listed under each type of license.]	Tracking of, at a minimum, propagation, production, processing, receiving, storing, delivering, sale to consumer, sale/purchase between licensees, and transfer of cannabis. [ORS 475B.177; OAR 845-025-7500 to 7590]	All seedlings, clones, plants, usable and other plant matter, extracts, infused products, samples, and waste to be tracked from production through processing and sale or disposal. (WAC 314-55-083)
	Testing Requirements	Yes (potency, microbials, solvents/residual solvents, residual pesticides, poison or other toxins, other contaminants) [3 AAC 306.645]	Yes (potency, pesticides, moisture, contaminants, solvents/residual solvents) [ORS 475B.555, OAR 333-007-0300 to 0500]	Yes (potency, moisture foreign matter, microbiologicals, mycotoxins, residual solvents) [WAC 314-55-102 and 109]
	Facility Requirements	Security requirements, surveillance system, barriers. [3 ACC 306.715 and 306.720]	Security requirements, surveillance system. [OAR 845-025-1230 and OAR 845-025-1400 to 1470]	Security requirements, surveillance system, barriers. [WAC 314-55-075(1) (b); 314-55-083]
	Employee Training	Marijuana Handler Permit. Food Worker card if handling marijuana in manufacturing facility. [3 AAC 306.700, 306.701, and 306.530]	Worker permit. Processor training requirements. [OAR 845-025-5500 to 5590 and OAR 845-025-3240]	None
	DUI	No per se limit. DUI if operating a motor vehicle while under the influence of an alcoholic beverage, intoxicating liquor, inhalant, or any controlled substance, singly or in combination. [AS 28.35.030]	No per se limit. DUI if "under the influence of intoxicating liquor, cannabis, a controlled substance or inhalant" or any combination thereof. [ORS 813.010]	THC: 5 ng/ml or more in your blood if 21+. Under 21, any amount of THC. [RCW 46.61.502]

		Alaska	Oregon	Washington
Public Safety 	Open Container in Vehicle	No law	No law	Must be kept in the trunk, or other area not normally occupied or directly accessible by driver or passengers if there is no trunk, or in a package, container, or receptacle that has not been opened or the seal broken or contents partially removed. Utility or glove compartments are deemed to be within the occupied area. [RCW 46.61.745]
	Public Use	Use banned in public (exception for authorized social consumption site). [AS 17.38.040]	Prohibited. [ORS 475B.381]	Prohibited. [RCW 69.50.445]
Placement & Access 	Possession Limits	1 oz. usable; not more than 6 plants with 3 or fewer being mature, flowering plants, and possession of the cannabis produced by the plants on the premises where the plants were grown; not more than 12 plants, with 6 or fewer being mature, flowering plants, may be present in a single dwelling. [AS 17.38.020]	1 oz. usable in public, 8 oz. at home; 16 oz. solids; 72 oz. liquids; 6 g. extracts or concentrates; 4 plants. [ORS 475B.301 and 475B.337]. [Administrative rule allows 10 seeds to be sold to a consumer: OAR 845-025-2800]	1 oz. usable; 16 oz. solids; 72 oz. liquids; 7 g. concentrates. [RCW 69.50.360 and 69.50.4013]
	Prohibition on Underage Use	Purchase, possession, consumption, furnishing [AS 17.38.020]	Purchase, possession, consumption, furnishing. [ORS 475B.341]	Possess, manufacture, sell, or distribute. [RCW 69.50.4013]
	License Restrictions and Allocations	No limit on licenses per person or entity. No minors allowed on premises. [3 AAC 306.325 and 306.710] Retail sales permitted 8 a.m. – 5 a.m. [3 AAC 306.310]	No limit on licenses per person or entity. No minors allowed on premises except as allowed by OAR 845-025-1230. Sales allowed 7 a.m. – 10 p.m. [OAR 845-025-1245 and 2800]	Limit of 5 retail licenses per person/entity, 3 producer/processor licenses per entity. Producers/processors cannot hold retail license. No minors on premises. Sales allowed 8 a.m. – 12 a.m. [WAC 314-55-075, 077, 079, and 147; RCW 69.50.328, 69.50.357]

		Alaska	Oregon	Washington
 Placement & Access	Density and Restrictions on Locations	No limit on number of licenses. Prohibited within 500' of specified entities. [3 AAC 306.010]	No limit on total number except for temporary moratorium on producer licenses through 2021. Prohibited within 1000' of specified entities. Proximity to other retail licensees may be restricted by local ordinance but not greater than 1,000 feet. [ORS 475B.105 and 475B.109; OAR 845-025-2840; ORS 475B.486]	Retail limits for cities and counties. Prohibited within 1000' of specified entities unless reduced by local ordinance. [RCW 69.50.354; 69.50.331]
	Expanded Privileges and Access (Home grows, internet sales, home delivery, social/on-site consumption)	Home grows – Limits [AS 17.38.020(2)] Home delivery and internet sales – No [3 AAC 306.310(5)] On-site consumption – Endorsement required [3 AAC 306.370]	Home grows – Limits [ORS 475B.301] Home delivery – To a residence with restrictions [ORS 475B.206, OAR 845-025-2880] Internet sales – No Social/on-site consumption – No	Home grows – No Home delivery and internet sales – No On-site consumption – No
 Product & Potency	Prohibited Products	Adulterated food or drink; products closely resembling familiar food or drink, including candy; packaged to look like candy, bright colors, cartoon characters or other images appealing to children. [3 AAC 306.510]	Products similar to products consumed by and marketed to children. Application of concentrates/ extracts to commercially available candy and snacks. Products adulterated with prohibited additives, including vapor products. Pet or animal food, treats, or other pet or animal products. [OAR 845-025-3220 and 2800]	High-risk foods (specifics in rule); products requiring cooking/baking; product and package design similar to commercially available products marketed to persons under 21. (WAC 314-55-077)

	Alaska	Oregon	Washington	
 Product & Potency	Potency and THC Limits	No potency limits for usable, concentrates. THC limits for edible products: 5 mg per serving, 50 mg per package [3 AAC 306.560]	Edibles: 5 mg THC per serving, 50 mg THC per package. Tinctures: 1,000 mg THC per container. Capsules: 10 mg per serving, 100 mg per container Concentrates/extracts: 1,000 mg per container. Other products not intended for human consumption: 1,000 mg per container Topicals: 6% max concentration per container. [Oregon Health Authority table]	No potency limits for usable, concentrates. THC limits for edible products: 10 mg per serving, 100 mg per package. [WAC 314-55-095]
	Packaging	Opaque, resealable, child resistant. No printed images that specifically target persons under 21. [3 AAC 306.345, 306.470 and 306.565]	Resealable and continually child resistant or placed in an exit package that is resealable and continually child resistant. [OAR 845-025-7020; OAR 333-007-0210]	Child-resistant. Solid edibles: single servings packaged separately with some exceptions that must be approved. Liquid edibles with more than one serving: resealable cap and measuring device (hash marks may qualify). [WAC 314-55-105]
	Labeling	Product tracking information, THC content, other. [3 AAC 306.345, 306.475 and 306.570]	THC contents, product tracking information, list of ingredients, additional requirements based on type of product. [OAR 845-025-7030 to 7120; OAR 333-007-0030 to 0090]	Product tracking information, THC content, other. [WAC 314-55-105 and 106]

		Alaska	Oregon	Washington
Product & Potency 	Required Warning Statements	Yes (Intoxicating effects, habit forming and addictive; impairs concentration, coordination, judgment; do not operate vehicle or machinery; use by 21+, keep out of reach of children; not used by pregnant or breastfeeding women; health risks associated with consumption) [3 AAC 306.345, 306.475, and 306.570]	Yes (Use by 21+ only, keep out of reach of children, do not drive under the influence; do not eat for topicals; delayed effects for edibles; not approved by FDA to treat, cure, or prevent disease; lack of child resistant packaging, if applicable) [OAR 845-025-7030 to 7120; OAR 333-007-0030 to 0090]	Yes (Habit-forming, unlawful outside WA, illegal to operate motor vehicle, health hazard of smoking, delayed effects for edibles, "do not eat" for topicals). [WAC 314-55-105]
	Promotion & Advertising 	Advertising Restrictions: General	Content restrictions. Cannot appeal to/target under 21. No health claims. [3AAC 306.770]	Content restrictions. May not target minors or encourage illegal activity or unsafe/risky consumption. No health claims. [OAR 845-025-8040]
Prohibited Locations, Buffer Zones		Within 1000' feet of child-centered facility, substance abuse or treatment facility, or campus for postsecondary education; on or in a public transit vehicle or shelter, publicly owned or operated property. [3 AAC 306.770]	Distribution of handbills in public areas prohibited. No tv, radio, billboards, print media, or internet unless reliable evidence no more than 30% of audience is expected to be under age 21. [OAR 845-025-8060]	1,000' buffer for youth-centered locations. Prohibited in certain transit-related locations, on/in vehicles, arenas, stadiums, shopping malls, at fairs that receive state allocations, farmers markets unless adult-only facility. [RCW 69.50.369; WAC 314-55-155]
Outdoor Limits, Billboards, Windows		Limits on number and size of signs on premises. [3 AAC 306.770] Alaska ban on billboards. [AS 19.25.075]	Age-restricted advertising limits (percentage of potential audience) [OAR 845-025-8060]	Limits on number and size of signs. Content limited. [RCW 69.50.369; WAC 314-55-155]
Promotions, Sponsorships		May sponsor industry trade show, charitable event, sports event or competition, concert, or other board approved event if no more than 30% of audience is expected to be under 21. [3 AAC 306.760 and 306.770]	Restrictions based on audience composition (No tv, radio, billboards, print media, or internet unless reliable evidence no more than 30% of audience is expected to be under age 21. Websites must use age-gating.) [OAR 845-025-8060]	Sponsorships not specifically prohibited but must adhere to advertising regulations.

	Alaska	Oregon	Washington	
 <p>Pricing</p>	Taxes Imposed	\$50 per oz. mature bud, \$25 per oz. immature bud, \$25 per oz. abnormal bud, \$15 per oz. remainder of plant, and clones \$1 per plant (producer level) [AS 43.61.010 and 15 AAC 61.100]	17% of sales (retail level) [ORS 475B.705] Additional 3% may be added by local jurisdictions. [ORS 475B.491]	Excise tax: 37% of sales (retail level). State and local retail sales taxes apply. [RCW 69.50.535]
	Discounts, Coupons	No discounts, no giveaway coupons as promotional items. [3 AAC 306.770(k)]	May provide discounts/coupons with limits. May not give cannabis items as a prize, premium or consideration for a lottery, contest, game of chance of game of skill, or any competition. [OAR 845-025v-1300]	Promotional items such as giveaways, coupons, and distribution of branded or unbranded merchandise prohibited. [WAC 314-55-155]
	Minimum Pricing	Not required.	Not required.	Cannot sell below acquisition price. [WAC 314-55-079]